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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

DEXTER, C
ART UNIT PAPER NUMBER

3724
DATE MAILED:

10/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/505,887

Applicant(s)
Cote et al.

Examiner
Clark F. Dexter

Art Unit
3724



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on Jun 28, 2001

2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 20-27 is/are pending in the application.

4a) Of the above, claim(s) 24-26 is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 20-23 and 27 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

19) ☐ Notice of Informal Patent Application (PTO-152)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

20) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Applicant's election with traverse of Group I (claims 20-23 and 27) in the response filed June 28, 2001 (paper no. 6) is acknowledged. The traversal is on the ground(s) that there is no serious burden on the Examiner because claim 20 is part of both groups and thus the subject matter thereof will be searched for both inventions. This is not found persuasive for the following reason. As stated in the Restriction requirement, claim 20 is not considered to be part of either group, but is listed as part of both groups for clarity (i.e., so it is clear as to which claims will be examined with each group). Because claim 20 recites subject matter that is common to both groups, it is not considered to be independent or distinct from either group and thus will be examined with either group. The subclasses listed for each group in the Restriction requirement pertain to the distinct and independent claims of that group (e.g., claims 21-23 and 27 of group I). Thus, the Examiner respectfully disagrees that examining all of the claims would not create a serious burden. Rather, the examination of multiple inventions (i.e., subcombinations) in the time allotted for a single invention creates a serious burden on the Examiner, particularly since multiple inventions results in multiple fields of search and multiple scopes of invention leading to multiple patentability considerations.

The requirement is still deemed proper and is therefore made FINAL.

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Priority

2. Acknowledgment is made that there is no claim for foreign priority in the present application.

Drawings

3. The drawings are objected to for the following reasons.

In Figure 1, numeral 180 located to the left of "Fig. 1" (between 104 and 106) appears to be inaccurate, and it seems that it should read --130--

In general, numerals representing a general portion of the invention should include arrowheaded lead lines for clarity, and numerals representing a particular feature of the invention should extend to that feature. For example, in Figure 1, the lead lines for numerals 120, 122, 102 and 100 should include arrowheads at the ends thereof for clarity; in Figure 2, the lead line for numeral 102 should include an arrowhead at the end thereof for clarity; the lead line for each of numerals 112, 114 and 164 should be extended to contact its corresponding feature; in Figure 3, the lead line for numeral 180 should be extended to contact its corresponding feature; in Figure 5, the lead lines for numerals 120 and 500 should include arrowheads at the ends thereof for clarity; and in Figure 6, the lead lines for numerals 152, 608, 610, 500, 504 and 505 should be modified for clarity.

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

4. Claims 20-23 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 20, lines 10-11, the recitation "said at least one gripper crossbar and said at least one roller crossbar being driven in synchronism with the printable medium" renders the claim vague and indefinite since no structure has been set forth to perform such a function; in lines 12-14, the recitation "wherein the transport path passes through a cutting operation ..." renders the claim vague and indefinite as to what is being set forth, particularly since no structure has been set forth to perform a cutting operation, and it is not clear as to whether such cutting structure is intended to be part of the claimed invention.

Claim 27 is vague and indefinite as to what structure is being set forth.

Prior Art

5. Further consideration of the claimed invention with respect to the prior art will be given upon clarification of the claimed invention.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark Dexter whose telephone number is (703) 308-1404.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Rinaldi Rada, can be reached at (703)308-2187.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)308-1148. The fax numbers for this group are: formal papers - (703)305-3579; informal/draft papers - (703)305-9835.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cf
October 1, 2001